

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 14459 of 2004

Between:

K. Nagaveni, W/o. Purnachandrarao,
R/o. Valaparla, Martur(M), Prakasam District.

..... PETITIONER

AND

- 1 Joint Collector, Prakasam District at Ongole.
- 2 Revenue Divisional Officer, Ongole, Prakasam District.
- 3 Mandal Revenue Officer, Martur (M), Prakasam District.
- 4 TVGK Murthy, S/o. not known, Fair Price Shop dealer,
Valaparla (V), Martur(M), Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 1st respondent in Rc. CS2/2327/2004, Dt. 18-7-2004 is illegal, irregular and violative of Art. 14, 19 and 21 of the Constitution of India and A.P. Scheduled Commodities (Regulation of Distribution by Card System) Order 2001 and quash the same and consequently allow petitioner's appeal by setting aside the order in D.Dis. C/876/2003, dt. 22-6-2004 passed by the 2nd respondent in the interest of justice.

Counsel for the Petitioner : Mr.SATYANARAYANA NIMMAGADDA

Counsel for Respondents 1 to 3 : G.P. FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

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It is not in dispute that the petitioner was appointed as Fair Price Shop Dealer of Valaparla village of Martur Mandal, Prakasam district on temporary basis in the vacancy caused due to the suspension of authorization of permanent dealer Sri T.V.G.K.Murthy. It appears that subsequently the authorization of permanent dealer Sri T.V.G.K.Murthy was restored and he was reinstated. Challenging the said order, the petitioner filed appeal before the Joint Collector, Prakasam district at Ongole, which was dismissed by order dated 18.7.2004 on the ground that the petitioner being a temporary dealer is not an aggrieved party and therefore he has no right to file the appeal. The said order dated 18.7.2004 is under challenge in this writ petition.

Heard the learned counsel for petitioner and the learned Government Pleader appearing for respondents 1 to 3 as well as the learned counsel appearing for fourth respondent.

The issue raised in this writ petition as to the locus-standi of the temporary dealer was considered in detail by this Court in **ALAPATI SOMASEKHAR v. COLLECTOR, KRISHNA DISTRICT AND OTHERS**. Having considered the earlier decisions of the Division Bench on the said issue, it has been held by this Court that a temporary dealer has no locus-standi either to prefer appeal or revision under the Control Order.

In the light of the said ratio laid down by this Court in the above decision, I am of the view that the first respondent-Joint Collector has rightly dismissed the appeal preferred by the petitioner.

In the circumstances, I see no substance in the contention raised by the petitioner and the writ petition is liable to be dismissed and it is accordingly dismissed. No costs.

G.ROHINI, J

Date: 26.10.2004

To

- 1 The Joint Collector, Prakasam District at Ongole.
- 2 The Revenue Divisional Officer, Ongole, Prakasam District.
- 3 The Mandal Revenue Officer, Martur (M), Prakasam District.
- 4 Two CCs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT).
- 5 Two CD copies.